


cash instalment and the bond for the first credit instalment were paid, but that the last instalment, amounting to the sum of \$1450 40, which became due on the 22d of June, 1850, with interest from the 22d of June, 1848, remains due and unpaid, though Watkins has been frequently called upon to pay it.

It appears by the proceedings in the cause, that this third instalment which was secured by the single bill of the purchaser, with two sureties, was, on the 14th of October, 1848, assigned by Hayden, the trustee, to Messrs. Freeland and Hall, parties ascertained to be entitled to the fund, by an endorsement on the instrument in the following words: "For value received I hereby assign and transfer the within single bill to Messrs. Freeland and Hall, and direct that payment thereof be made to them without recourse to me. Witness my hand and seal this 14th {  } day of October, 1848. E. P. HAYDEN, Trustee."

Subsequently, to wit, on the 31st of October, 1849, these assignees, Freeland and Hall, and one Thomas Welch, who it appears was interested in the fund, exhibited their petition in the cause in which, after setting forth the proceedings, and how, and to what extent, they were interested, they make the following statement:

"Your petitioners further state that it was agreed on by and between them and the said trustee, (Hayden,) with the view of having the case in chancery finally closed, and his trust settled, that your petitioners should pay unto him the sum so as afore-said due the said complainant, and charged on said bond, (meaning the bond given for the last instalment,) to wit, the sum of \$528 67, with interest from the 22d of June, 1848, and that said trustee would assign, transfer, and deliver said bond to your petitioners, who would thereby release said trustee from all responsibility on account of the same, whereupon your petitioners did pay said sum of money to said trustee, and said trustee did assign and transfer by endorsement in writing, and deliver said bond to your petitioners as will appear," &c.

Upon this petition certain proceedings were had, on notice to the parties interested, which resulted in affirming the title of the petitioners to the bond, and the money secured by it.